



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Louise D. FARRAND et al.

Examiner: Patricia L. Nordmeyer

Serial No.: 09/654,516

Group Art Unit: 1772

Filed: September 1, 2000

Title: MULTIREACTIVE POLYMERIZABLE MESOGENIC COMPOUNDS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated September 16, 2002, Applicant's hereby elect with traverse Group I, Claims 1-13 drawn to a polymerizable mesogenic compound.

Applicants respectfully disagree that the intermediate polymerizable compositions would be useful as eyeglasses, as alleged in the Office Action. The compositions, before polymerization, are viscous solutions, not solids, and could never be used as eyeglasses. Thus, the basis for the restriction is not supported by the facts. There is no evidence on the record to conclude that the polymerizable compositions would be useful for anything other than being polymerized into the articles of Group II, claims 14-16. Thus, the restriction should be withdrawn.

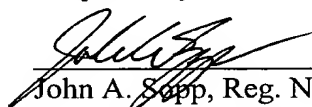
The requirement for restriction is further traversed on the grounds that the examination of the groups of invention indicated in the Office Action together would not amount to a serious burden upon the PTO. In the absence of a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

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No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: MERCK-2155
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